

REMARKS/ARGUMENTS

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1, 3-16 and 19-24 are pending in the above application, of which claims 1, 17 and 20 are independent.

The Office Action dated April 21, 2011, has been received and carefully reviewed. In that Office Action, claims 20 and 23 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 7-102775B (referred to in the Office Action and hereinafter as "Hara"). Claims 1, 3-8, 10-12, 14, 15 and 17 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara, claim 9 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Nishino, and claim 13 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Isobe. In addition, claim 19 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Yoshinori, claims 21 and 22 were rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Isobe, and claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Ichishi. It is believed that all pending claims are allowable over the art of record, and reconsideration and allowance of the claims is respectfully requested in view of the above amendments and the following remarks.

GENERAL REMARKS

The present Office Action provides an English translation of Hara and maintains most of the previous rejections based on Hara. The previous Office Action asserted

and the present Office Action asserts that Hara shows a spot jet outflow and a diffuse outflow. In response to the previous Office Action, Applicant argued that Hara does not show both a spot jet outflow and a diffuse outflow. Applicant then requested that: "[i]f any rejections based on Hara are maintained after a translation of this reference is provided, it is respectfully requested that he examiner explain how the nature of an outflow from a vent is believed to change between spot jet outflow and diffuse outflow based on the movement of the Hara's vanes." The present Office Action maintains these rejections but does not provide any response to Applicant's arguments.

MPEP 707.07(f) provides that, "[w]here the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it." It is respectfully submitted that this has not been done in the present case. The examiner's interpretation of Hara is clear from the record. Applicant has offered arguments against this interpretation. Instead of addressing Applicant's arguments, however, the examiner has merely repeated the same rejections. It therefore may be necessary to file a Notice of Appeal just to have Applicant's arguments addressed. The specific claim rejections are addressed below. However, if the rejections based on Hara are maintained, Applicant again respectfully requests the examiner to make of record arguments or evidence to support the interpretation of "spot jet" and "diffuse" that are being used to reject the pending claims. Additional evidence in support of Applicant's interpretation is addressed below.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 20 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 7-102775

(hereinafter, "Hara"). Claim 20 recites a method for adjusting an air vent for air-conditioning a motor vehicle that includes providing an actuator for controlling air jet divergence from the air vent between a spot jet divergence and a diffuse divergence, measuring at least one value related to at least one condition inside the motor vehicle with a sensor, and controlling the actuator to maintain a spot jet divergence while the value is within a first range and controlling the actuator to maintain a diffuse divergence while the value is within a second range. The translation of Hara provided with the Office Action confirms that Hara includes deflecting plates that "rock" over either a small angular range or a larger angular range. Applicant has previously argued that changing an angle through which Hara's plates "rock" does not constitute a change from a spot jet flow to a diffuse jet flow. If Hara's plates are interpreted to create a "spot jet outflow" when they rock through a small angle, then it is respectfully submitted that the plates create a spot jet airflow when they rock through a larger angle. The outflow does not become diffuse when the angle through which the flow travels increase.

By analogy, most persons would agree that a laser outputs a narrow beam or spot of light. If the laser is shone on a wall and moved back and forth a small distance, the beam of light is still a spot. If the laser is moved over a wider path on the wall, the output is still a spot. Moving the laser does not make the light more diffuse. Putting a filter of some type in front of the laser, on the other hand, could spread out the laser light and make it more diffuse. The light would remain diffuse whether it moved back and forth over a small portion of the wall or a large one. Similarly, in the present case, Hara does not make an airflow more or less diffuse by changing the angle through which his plates move. Hara does not show both a spot jet divergence and a diffuse

divergence as claimed, and claim 20 is submitted to be allowable over Hara for at least this reason.

If the rejection of claim 20 based on Hara is maintained, it is respectfully requested that the examiner respond to the above traversal of the rejection as required by MPEP 707.07(f) and provide evidence or arguments to support the assertion that Hara shows an actuator for controlling air jet divergence from the air vent between a spot jet divergence and a diffuse divergence as claimed. It is further requested that that the statement "the narrow rocking range diffuses a focus, concentrated air flow ... while the large rocking range produces a fan, wide air flow..." This appears to be an assertion that all air flows in Hara are diffuse which assertion does not support the rejection of claim 20.

Claims 21-24 depend from claim 20 and are submitted to be allowable for at least the same reasons as claim 20.

REJECTIONS UNDER 35 U.S.C. 103(a)

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara. Claim 1 recites, inter alia, a method for adjusting an air vent for air-conditioning a motor vehicle, wherein the settings of the air vent are adjusted as a function of measured values of a sensor, and wherein the actuator for controlling air jet divergence maintains a spot jet outflow from the air vent while a first measured value of the sensor is within a first range and maintains a diffuse outflow from the air vent while the first measured value is within a second range. Ichishi shows in Figures 23 and 24 an airflow that changes between a less diffuse flow and a more diffuse flow. The

airflow changes repeatedly “by repeating operation of the louver motor 146 in the forward direction and in the reversed direction” according to column 19, lines 47-50 of Ichishi.

The Office Action acknowledges that in Ichishi, the shift from less diffuse to more diffuse flow does not occur in response to a sensed condition. However, because Hara teaches that a rocking angle can be adjusted based on a sensed condition, the Office Action asserts that it would have been obvious to adjust a degree of diffusion in Ichishi in response to a sensed condition. The stated reason for doing so is that this will “improve the utility of performance of the air being distributed inside the vehicle since occupants tend to want a certain air style depending on the temperature of the interior of the vehicle.”

It is respectfully submitted that there is no evidence in the record regarding what vehicle occupants “tend to want.” It is not clear whether the examiner is basing this rejection on the examiner’s personal opinion or on an assertion that “air styles” desired by vehicle occupants are well known in the art. Moreover, even if it is assumed, for sake of argument only, that there exist certain “air styles” that vehicle occupants tend to want, nothing in the record provides any evidence that occupants tend to want more diffuse air flow under some conditions and less diffuse air flow under other conditions. For these reasons, a proper reason for modifying Ichishi has not been provided, and claim 1 is submitted to be allowable.

If the rejection of claim 1 is maintained, it is respectfully requested that the examiner identify the basis for asserting that vehicle occupants tend to want certain air styles. If this assertion is based upon the examiner’s personal knowledge, to support

this rejection, it is respectfully requested that the examiner provide an affidavit or declaration to support this assertion as required by MPEP 2144.03. If the rejection is based on the assertion that what vehicle occupants tend to want is well-known in the art, Applicant respectfully traverses this rejection. The opinions of vehicle occupants are not the types of facts that can be established instantly and unquestionably as being true. Applicant therefore traverses this reliance on facts that are allegedly well-known in the art, and respectfully requests that the examiner present evidence to support the assertion regarding what vehicle occupants tend to want. The rejection also appears to contain an assertion that vehicle occupants tend to want more diffuse air flow under some conditions and less diffuse air flow under other conditions. If this is a basis for the rejection, it is respectfully requested that evidence regarding these desires of vehicle occupants be made of record.

A proper reason for modifying Ichishi has not been provided as required by *KSR International Co. v. Teleflex, Inc.*, 550 U.S. 398 (2007), and claim 1 is submitted to be allowable over Ichishi and Hara for at least this reason.

Claims 3-15 and 19 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Independent claim 17 recites, inter alia, an air-conditioning or heating system having at least one air-conditioning controller and one or more air vents, the controller being configured to automatically adjust air vent(s) as a function of measured values and setting values wherein the function is adaptive. It is respectfully submitted that the limitation "wherein the function is adaptive" is not shown or suggested by Ichishi or Hara and is not addressed by the Office Action. Every limitation of claim 17 has not been

addressed and every limitation of claim 17 is not present in Ichishi or Hara. A prima facie case of obviousness has not been presented in connection with claim 17, and claim 17 is submitted to be allowable for at least this reason.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Nishino. Claim 9 depends from claim 1. Nishino does not address the shortcomings of Ichishi and Hara discussed above in connection with claim 1. Claim 9 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Isobe. Claim 13 has been amended to depend from claim 1. Isobe does not address the shortcomings of Ichishi and Hara discussed above in connection with claim 1. Claim 13 is therefore submitted to be allowable for at least the same reasons as claim 1.

Claims 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ichishi in view of Hara and further in view of Isobe. Claims 21 and 22 depend from claim 20. Isobe does not address the shortcomings of Ichishi and Hara discussed above in connection with claim 20. Claims 21 and 22 are therefore submitted to be allowable for at least the same reasons as claim 20.

Claim 21 further recites that the at least one value comprises a status of a window. That is, an actuator is controlled to maintain a spot jet divergence while the value (status of a window) is within a first range and controlling the actuator to maintain a diffuse divergence while the value (status of a window) is within a second range. Isobe teaches that operating a cooling system with a window open may waste energy

and/or place a heavy load on a compressor that is attempting to cool a vehicle with open windows. Isobe therefore teaches that when a window is open it may be desirable to limit the number of vents through which cooling air is supplied or limit blower voltage. However, nothing about Isobe or the other art of record suggests any reason for controlling an actuator between spot jet divergence and diffuse divergence based on the state of a window. The Office Action suggest that such control will "conserve energy" without further discussion. It is respectfully submitted that nothing in the record suggests that the modification being proposed to Isobe will conserve energy in any manner. A proper reason for modifying Ichishi and Hara has not been provided, and claim 21 is submitted to further distinguish over the art of record for at least this reason.

If the rejection of claim 21 is maintained, it is respectfully requested that the examiner explain for the record 1) whether the examiner is proposing to shift to a spot jet divergence when a window is open or to a diffuse divergence when the window is open and 2) why a person of ordinary skill in the art would believe that such a switch would "conserve energy."

Claim 22 further recites that the at least one value comprises a status of a sunroof. Similar arguments as those presented above in connection with claim 21 show that claim 22 is not rendered obvious by Ishichi, Hara and Isobe. While Isobe teaches, for example, that a blower voltage should be limited when a window is open, nothing about Isobe suggest that the diffusion amount of a vent should be controlled based on the condition of a sunroof. Claim 22 is submitted to further distinguish over the art of record for this reason.

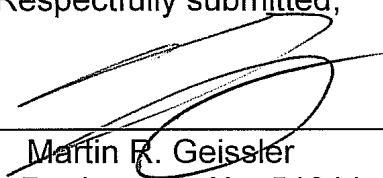
CONCLUSION

For the foregoing reasons, it is respectfully submitted that claims 1, 3-15 and 19-24 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

Deposit Account Authorization

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Martin R. Geissler", is written over a horizontal line.

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